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PREPARATIONS FOR THE TENTH UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS

Draft discussion guide on the workshops, ancillary meetings, symposia and exhibits to be held at the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

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INTRODUCTION

1. The Commission on Crime Prevention and Criminal Justice, at its sixth session, expressed its support for the format followed for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Cairo from 29 April to 8 May 1995.[1]

2. At the fourth session of the Commission, it was stated that the workshops conducted during the Ninth Congress had proved to be extremely useful in sharing experiences and know-how. It was suggested that, at future congresses, workshops should deal with topics of interest to both developing and developed countries; take a multidisciplinary approach, actively involving entities with different areas of expertise and operation in their organization and conduct; identify recent trends and emerging issues in crime prevention and criminal justice; stimulate among participants discussions oriented towards finding practical solutions to problems; and achieve a multiplier effect by generating practical applications after the congresses.[2]

3. The present draft discussion guide has been prepared to facilitate the substantive discussion of the issues to be covered by the workshops to be conducted within the framework of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

A. Practical features and impact of the workshops

4. The United Nations congresses on the prevention of crime and the treatment of offenders have seen a progression in terms of their outreach, research base, political influence and impact, have focused on specific

issues and have furthered the exchange of experiences and expertise in the fields of law enforcement, prosecution, court administration, the treatment of offenders and victims, and crime prevention.

5. The Tenth Congress presents an opportunity to further adapt the format of the congresses to the evolving needs of the international criminal justice community within the current process of rationalization of the activities of the United Nations Crime Prevention and Criminal Justice Programme, with a view to strengthening its technical cooperation capacity.

6. A number of projects emanated from the workshops conducted during the Ninth Congress. The first was the interregional training course "The United Nations Crime and Justice Information Network: Providing Information to and from Developing Countries" held at Seoul from 9 to 13 September 1996 with the support of the Government of the Republic of Korea. As a result of that training course, a resource book on database development and electronic networking was published with the financial assistance of the Ministry of Justice of the Republic of Korea. Copies of the resource book will be made available to the Commission at its seventh session.

7. Further to the workshop organized at the Ninth Congress on the topic "Extradition and international cooperation: exchange of national experience and implementation of relevant principles in national legislation", the International Institute of Higher Studies in Criminal Sciences and the International Association of Penal Law hosted the Intergovernmental Expert Group Meeting on Extradition at Siracusa, Italy, from 10 to 13 December 1996. At that Meeting, the Expert Group elaborated possible changes to the Model Treaty on Extradition (General Assembly resolution 45/116, annex). The Commission at its sixth session considered the recommendations of the Expert Group (E/CN.15/1997/6 and Corr.1, annex). On the recommendation of the Commission, the Economic and Social Council adopted its resolution 1997/26, in which it recommended to the General Assembly the adoption of a draft resolution on international cooperation in criminal matters. The draft resolution was subsequently adopted by the Assembly as its resolution 52/88. In section II of that resolution, the Assembly decided that the Model Treaty on Extradition should be complemented by the provisions set forth in the annex to that resolution.

8. Follow-up activities of the workshop of the Ninth Congress on the role of criminal law in environmental protection have included the international conference entitled "Crime against the Environment: A Global Commitment" and the training seminar entitled "The First International Training Course on Environmental Protection and Law Enforcement", both organized by the United Nations Interregional Crime and Justice Research Institute (UNICRI). Two project proposals also emanated from the workshop: one entitled "Improving criminal prosecution of environmental crime: criminal law and its administration in international environmental conventions in small island States in the South Pacific", which led to the convening of a regional workshop on criminal law and its administration in international environmental conventions, organized jointly by UNICRI and the Commonwealth Secretariat; and the other entitled "The implication of organized crime in legislative business: the case of environmental crime", also implemented by UNICRI.

9. The above examples show that the output of the workshops may vary, depending on the subject of each workshop and the logistics and financial commitments required for the output to be translated into practical action. However, their common denominator has been a clear policy orientation, with follow-up that includes training and dissemination of information.

10. Though global in nature, the Tenth Congress topics and the relevant preparatory work and follow-up should be approached bearing in mind the different needs and regional, subregional and national contexts of the participants.

11. There should be proper reporting to the Tenth Congress on the results of the workshops to ensure that there is adequate follow-up to the initiatives proposed by Member States, perhaps using the arrangements envisaged by the Commission for the strategic management of the United Nations Crime Prevention and Criminal Justice Programme. To assist in implementing the recommendations of the workshops Member States would be requested not only to announce their possible commitments at the workshops, but also to propose a plan on how to achieve the stated objectives.

12. In the interest of strengthening the practical orientation of the workshops, and within the broad organizational framework outlined in Economic and Social Council resolution 1994/19, the Commission at its seventh session may wish to consider recommending the following steps:

(a) Encouraging of possible donor countries, through their development aid agencies or other interested entities, to include in their budgets provisions for supporting and financing the preparations for the workshops and for implementing certain outcomes, as agreed upon in the course of action envisaged between interested countries and entities and the Secretariat, as appropriate;

(b) Inviting donor countries to provide financial support for the participation of representatives of least developed countries and countries in transition in the workshops, as was the case for the Ninth Congress, pursuant to Council resolution 1993/32;

(c) Promoting the preparations for and later implementation of the outcome of the workshops at the domestic level by providing relevant entities and individuals with information, advice and expertise gained from action taken before and during the workshops;

(d) Conducting the proceedings of the workshops in such a way as to ensure focused and action-oriented results with practical follow-up activities aimed at providing technical assistance.

B. Ancillary meetings, symposia and exhibits

13. The Commission, at its fourth session, noted that it would be desirable to review the approach to the ancillary meetings, symposia and exhibits to ensure that they would be integrated into the congress activities.[2] Such events should be planned bearing in mind both the main agenda items and the topics of the workshops and drawing upon the experiences of the Ninth Congress and earlier congresses, and their focus should be more closely geared towards attaining a practical impact.

14. New parameters and agendas for ancillary meetings of professional interest groups could be prepared and discussed with their potential organizers. With reference to symposia and exhibits, Governments, intergovernmental and non-governmental organizations and the private sector might be advised on how best to stage such events during the Tenth Congress, so that they will be attuned to its overall theme and to the issues covered in the workshops. Subject to available resources, including staff, it might be possible for the Secretariat to offer such advice to the entities planning to hold the ancillary meetings, symposia or exhibits.

I. COMBATING CORRUPTION

15. In its resolution 51/59, the General Assembly adopted the International Code of Conduct for Public Officials, annexed to that resolution, and recommended it to Member States as a tool to guide their efforts against corruption. In its resolution 51/191, the Assembly adopted the United Nations Declaration against Corruption and Bribery in International Commercial Transactions, annexed to that resolution, and requested the

Economic and Social Council and its subsidiary bodies, in particular the Commission on Crime Prevention and Criminal Justice, to examine ways, including through binding international legal instruments, to further the implementation of the Declaration, to keep the issue under regular review and to promote the effective implementation of that resolution.

16. Urgent and concerted action was required to deal with corruption at all levels, taking into account its complex and elusive nature and its links with other forms of criminal activities. Options must be explored to strengthen action and improve concurrent, well-coordinated activities and interventions to prevent corruption in the public and private sectors.

17. International organizations are helping in the fight against corruption by providing aid to bring about democratic reform, more competitive economies and improved governance. Nonetheless, closer cooperation, better coordination and more focused efforts are needed to ensure that the attack on corruption is systematic in nature. The United Nations Development Programme, the World Bank and the International Monetary Fund, for example, have expressed their intention to monitor levels of corruption, bribery and the lack of transparency in public administration when negotiating loans with countries. The rules of the World Trade Organization link transparency to free competition in the global market and to international commercial arbitral jurisdiction.

18. Developing countries and countries with economies in transition are among those most in need of assistance, particularly in identifying and reacting to problems, and should be the focus of technical assistance activities. A number of technical assistance projects that have recently been launched to that end by the Centre for International Crime Prevention include the two seminars on anti-corruption strategies for central and eastern European countries that were organized by UNICRI.

19. The Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, adopted within the framework of the Organisation for Economic Co-operation and Development (OECD) on 21 November 1997, deals with some of the most pressing problems created by corrupt practices in international commercial transactions. The Convention is aimed at ensuring a functional equivalence among the measures taken by parties to the Convention to sanction bribery of foreign public officials, without requiring uniformity or changes in fundamental principles of the legal system of any of the parties.

20. The convergence of views of and efforts by Member States and international organizations is supported by several non-governmental organizations operating nationally and internationally. In particular, Transparency International seeks to encourage and support the involvement of civil society in developing and implementing national programmes against corruption. The Lima Declaration against Corruption, adopted in 1997 by the eighth International Anti-Corruption Conference, held at Lima from 7 to 11 September 1997, addressed many important issues in that regard.

A. Scope

21. The knowledge, political directions, shared beliefs and wealth of material generated on the issue of corruption require a systematic and coordinated initiative to best utilize the synergies at work. This is an area where the international community may muster broad agreement and advance common interests, which should be exploited to exchange experiences and devise new strategies for the prevention and control of this phenomenon.

22. The sharing of knowledge in the context of the Tenth Congress workshop on the issue would serve the interests of all participants: Member States would learn from one another's experiences, focus their needs and, possibly, identify solutions; individual experts would improve their knowledge so as to better organize their

thinking on the issue and enhance their response to corruption; intergovernmental and non-governmental organizations would be able to fine-tune their missions and tailor their services to respond to existing and prospective needs.

23. The substantive framework of the workshop would include an assessment of the general situation and dynamics of corruption in order to identify the types of conduct that are or should be criminalized so as to assess the current interest in the issue of corruption on a global level (i.e. whether there is a higher incidence of corruption, higher awareness of corrupt practices, or a lower level of tolerance of corruption in the post-cold-war era than previously or whether the current situation is indicative of a combination thereof). A study of the causes of corruption should be undertaken to examine new policies and tactics against corruption, as well as institutional and legal reform with long-term consequences. The workshop would also include an examination of the role of international organizations in combating corruption and an assessment of their contributions, including the impact of measures and changes introduced by international initiatives so as to evaluate what common ground has been reached and what bridges still need to be built across borders.

24. Within that broad scope, the workshop could focus on improving the assessment of corruption. The issues to be examined could include the improvement of methods for collecting and analysing data related to corruption and the strengthening of research on corruption, including the identification of particularly vulnerable targets.

25. The workshop could consider measures that might be taken to improve public awareness of the dangerousness of corruption and to decrease tolerance of corrupt practices. Those measures would include developing public education and public awareness campaigns, ensuring and encouraging public support for action against corruption and strengthening the freedom of the press and the right to impartial information.

26. The workshop could examine measures that might be taken to prevent corruption, which would include the following:

(a) Fostering responsibility at the local level by decentralizing the decision-making process, as appropriate;

(b) Strengthening accounting standards and practices;

(c) Developing regulatory and administrative oversight mechanisms, including independent auditing bodies to promote transparency in the management of public funds and in the decision-making process;

(d) Developing and effectively implementing codes of ethics for public officials, as well as for selected categories of professions, on the basis of the International Code of Conduct for Public Officials;

(e) Developing transparent and competitive procedures for tendering and supervising public works contracts and developing clear rules on procurement;

(f) Strengthening measures to ensure free competition, including antitrust regulations;

(g) Eliminating or curtailing bank secrecy;

(h) Strengthening measures to ensure transparency in the financing of political parties.

27. The workshop could also discuss how the effectiveness of crime control policies might be increased. This question would include reviewing the adequacy of national criminal laws, including the appropriate criminalization of bribery (including bribery or corruption of foreign public officials), fraud, the making of other illicit payments, abuse of power and breach of trust, misappropriation of public funds, money-laundering, conflict of interest and other acts, as well as development of corporate criminal responsibility, as appropriate.

28. In the same vein, the workshop could review the question of increasing the effectiveness of civil and administrative regulatory policies to control corruption.

29. In addition, the workshop could study the question of modernizing investigation, prosecution and the judicial process. This would include:

(a) Enhancement of techniques for investigating corruption;

(b) Establishment of specialized bodies against corruption;

(c) Improvement of inter-agency cooperation, including cooperation between fiscal and law enforcement authorities;

(d) Strengthening of the capabilities of investigative personnel and the judiciary;

(e) Improvement of the protection of and remedial action for victims of corruption;

(f) Increased effectiveness of mechanisms for the identification, seizure, forfeiture and confiscation of proceeds of corruption.

30. Finally, the workshop could discuss a range of measures designed to improve the efficiency and effectiveness of international cooperation. This would include exploring the possibility of developing and effectively implementing an international convention against corruption and bribery in international commercial transactions.

B. Objectives

31. The workshop would present and discuss successful examples of projects to prevent and control corruption and bribery carried out at the local, national, regional and international levels and would elaborate new initiatives. The problem-oriented discussion would focus on innovative programmes and approaches that might have a potential to be replicated in or adapted to other contexts. Technical cooperation activities might benefit from the exchange of experiences and views between officials and practitioners, which would make the workshop an issue-oriented planning session where operational projects, to be implemented bilaterally or multilaterally, might be developed.

32. The objectives of the workshop would be, *inter alia*, the following:

(a) To provide advice on and expertise in the elaboration and implementation of comprehensive strategies and mechanisms for preventing and controlling corruption;

(b) To provide advice on training programmes for key public officials, including law enforcement personnel, the judiciary, auditors and personnel responsible for public contracts and procurement, so as to enhance standards of professional conduct and accountability;

(c) To develop sustainable public campaigns involving the media, educational institutions, business and community leaders in order to change attitudes, reduce tolerance of corruption and enlist public support for efforts against corruption;

(d) To collect and analyse national measures, laws, investigative techniques and strategies against corruption in order to elaborate compilations and resource manuals;

(e) To develop an exemplary checklist of measures, the presence or absence of which in domestic legislation might facilitate corruption.

33. Such action should be based upon the implementation of the International Code of Conduct for Public Officials and the United Nations Declaration against Corruption and Bribery in International Commercial Transactions, to be complemented by the revised and expanded manual on practical measures against corruption.[3] Technical assistance projects to be discussed at and elaborated by the Tenth Congress might benefit from strategies and measures already scrutinized and accepted by Member States.

34. The workshop would also benefit Member States by identifying priorities in advancing international agreements and cooperation arrangements, while devoting the necessary energy and resources to creating an environment resistant to corruption or one in which corruption would no longer pay.

C. Format

35. In advance of the Tenth Congress, States and international and other interested organizations might wish to communicate their interest in participating in or organizing the workshop activities and to identify their substantive concerns for workshop discussion, including their technical assistance proposals and needs. Their views might be incorporated in national position papers, on the basis of which technical cooperation activities could be projected and implemented.

36. A preparatory meeting might be useful to discuss the matching process and identify some of the projects that might be agreed upon at the Tenth Congress and then followed up.

37. States and international and other interested organizations might wish to submit to the Tenth Congress papers, reports and project proposals highlighting programmes and resources currently available in their countries that might be relevant elsewhere.

D. Participation

38. Participants would include government officials from ministries or departments of justice, interior, finance, public works, trade and other sectors of the public administration that might contribute to the prevention and control of bribery and corruption. Participation from the private sector would greatly add to the workshop, particularly from firms and companies operating in foreign markets, as well as from intergovernmental and non-governmental organizations active in this field.

E. Results

Multiplier effect

39. The workshop would allow the exchange of experiences, knowledge and reactions to bribery and corruption and, therefore, provide informed solutions and proposals for various forms of technical assistance,

including policy measures and strategies, drafting legislation and training. In addition, the workshop would facilitate mutual interaction and understanding between the public sector and the private sector and their respective needs and policy options in connection with the prevention and control of these phenomena.

Policy impact

40. The workshop and the envisaged follow-up action would generate practical solutions and technical assistance projects involving the participation and mutual assistance of Member States and interested inter-governmental and non-governmental organizations.

41. Public campaigns against corruption, including activities to foster the prevention of corruption both in the public sector and the private sector, might also be one of the outcomes of the workshop.

Technical cooperation value

42. The technical cooperation value attached to the workshop would be represented by a number of project proposals presented, discussed and finalized in the course of the Tenth Congress and its follow-up.

43. Given the number of national and international actors active in this field, some of which are extremely knowledgeable and experienced, the establishment of a database or any other mechanism for gathering and sharing information among interested parties might be considered. This would also contribute to streamlining efforts and optimizing the use of scarce resources.

II. CRIMES RELATED TO THE COMPUTER NETWORK

44. The rapid expansion of new information technologies has been accompanied by the abuse of those technologies for criminal purposes and the inability of States and other entities to cope with the growing number of legal problems, both national and transnational. The illegal intrusion into computer networks for fun or profit, the distribution of child pornography, extortion using threats to destroy computer and information systems and the penetration of computer systems for theft or fraud are forms of computer crime that require new forms of international cooperation for the investigation, prosecution and sentencing of the perpetrators of such crime. In the 1980s and early 1990s computer-related crime was on a smaller scale. Recent developments have shown that forms of crime related to computer networking have become transnational. In January 1997, there were 16.1 million computer servers worldwide. There were 36 million users of computers who could distribute information and 57 million who could access information. Another 14 million computer users had access to electronic mail only. Estimates suggest a monthly increase of 20 per cent in new users of electronic mail. Computer networks are also growing more vulnerable to illegal penetration.

45. Currently, 194 countries and territories and about 70,000 networks are connected by one Internet meta-protocol. Although the majority of those computer servers are located in the developed world, the proportion of those located in developing countries is increasing. The rapid growth of the Internet had intensified global debate on two issues: the human rights implications of that development with respect to providing protection of data and other information; and the need to improve international cooperation in investigating, prosecuting and adjudicating crimes against computer networks. While the first issue will be dealt with under the topic "Effective crime prevention: keeping pace with the new developments", the second issue will be dealt with under the workshop on crimes related to the computer network.

46. Extending and improving international cooperation in preventing and controlling computer-related crimes would enhance the effectiveness of Member States against various forms of transnational crime related to the rapid expansion of new information technologies by facilitating the detection, investigation, apprehension and prosecution of offenders. For example, electronic money-laundering, cases involving the large-scale embezzlement of bank deposits, obscene publications, incitement to racial hatred and the threat of organized crime and terrorist acts have been increasingly reported by the mass media but have not been adequately recorded by national law enforcement agencies grappling with the basic legal difficulty of identifying the *locus delicti* of these new and evasive forms of crime. OECD, the Council of Europe, the European Community and the political group of eight, consisting of the heads of State or Government of the Group of Seven major industrialized countries and of the Russian Federation, have been particularly concerned with these new forms of crime, which have spread from one continent to another. Finally, the General Assembly, in its resolution 51/210, section I, called upon all States to note the risk of terrorists using electronic or wire communication systems and networks to carry out criminal acts.

47. Experience shows that traditional legal procedures may not be adequate in dealing with such contemporary forms of national and transnational crime and in effectively enforcing established standards and controls. It is important to consider the development of a well-coordinated transnational approach to such crimes by reviewing present domestic approaches to fighting crime related to the computer network and discussing, in a global forum, practical measures aimed at increased responsiveness and more effective computer-related crime control and prevention.

A. Scope

48. The workshop on crimes related to the computer network would focus on the identification of joint projects that could be undertaken by States to improve and make more effective the exchange of information on the detection, investigation, apprehension, prosecution and sentencing of perpetrators of computer-related crime throughout the world. It would consider the basic elements of a plan for operational activities in which States could work together to strengthen international cooperation in combating computer crime.

49. The workshop would provide a forum where specific examples of successful international criminal investigations could be shared. The workshop might include a discussion of models for government regulation and self-regulation. It could also be a forum where specific technical cooperation activities could be arranged and announced, including training courses, study tours and fellowships.

B. Objectives

50. The workshop would promote cooperation in the exchange of information and expertise between States that might have varying degrees of expertise and experience in controlling and preventing computer-related crime. Its aim would be to serve as a catalyst for technical cooperation activities that would include the transfer of know-how from developed to developing countries.

51. Depending on the interest of States, the specific objectives of the workshop would be:

(a) To allow a critical examination by States of their criminal legislation, policies, practices and arrangements for the detection, investigation, apprehension, prosecution and sentencing of perpetrators of computer-related crime and for the protection of networks from infiltration;

(b) To provide information on national experiences and international cooperation in filtering and censoring abusive or offensive information;

(c) To enhance dialogue on the exchange of evidence for the purpose of prosecution and trial, with a view to harmonizing the legal and technical standards for transmitting and accepting such evidence;

(d) To serve as a basis for future technical cooperation activities that would provide States with practical guidance on procedures involved in responding to requests to share and use evidence, for example, through practical training for officials involved in fighting computer-related crime.

C. Format

52. In preparation for the workshop, States would be invited to communicate their interest in participating in or organizing workshop activities and to specify their substantive concerns for the workshop discussion. Their views could launch new partnerships for technical cooperation projects and other operational activities to be developed in the future.

53. Preparatory meetings might be useful for discussing the draft agenda of the workshop, including any case presentations, whether legal or technical in nature, and for making the exchange of views during the workshop more focused and practical.

54. States and other participants of the Tenth Congress could submit papers or reports highlighting the programmes or initiatives currently in progress or being proposed that might help to enhance the capabilities of other States to prevent and control computer-related crime. Those papers or reports could also highlight difficulties experienced in that regard that might be resolved through technical assistance activities. Finally, the workshop participants might be in a position to provide information on the following: tracing hackers; securing criminal evidence on the activities of hackers; the costs of such operations; and the composition of computer-related crime units in law enforcement agencies. The workshop would present participants with an opportunity to discuss, among other things, cooperative arrangements with foreign telecommunication operators, mutual assistance and extradition.

D. Participation

55. Participants would include government officials from the law enforcement, prosecution and judicial sectors and other experts acquainted with computer-related crime. In addition, representatives of the United Nations International Drug Control Programme, the International Criminal Police Organization (Interpol), other interested intergovernmental organizations and non-governmental organizations would be invited to participate in the workshop discussion.

E. Results

Multiplier effect

56. The workshop would assist participants in accumulating and systematizing information and experiences in controlling computer-related crime at the national and international levels. The material and advice presented at the workshop could be used to publish an updated version of the United Nations manual on preventing and controlling computer-related crime.[4] Progress made in extending and improving the control of computer-related crime would reinforce the effectiveness of action taken by States and computer operators against such crime by facilitating the apprehension and prosecution of the perpetrators of such crime and by arriving at more comprehensive and effective global measures to deal with the problem.

Policy impact

57. After the convening of the Tenth Congress, the recommendations of the workshop would enhance practical cooperation among Member States by facilitating the identification of common reference points and legal and technical approaches, including new opportunities for bilateral and multilateral education and training. Thus, the recommendations of the workshop might facilitate the development of a model course syllabus for students of criminal justice issues relating to the prevention and control of computer-related crime, as well as technical material for criminal justice officials involved in controlling such crime.

Technical cooperation value

58. The workshop would consider bilateral and multilateral assistance mechanisms for encouraging national agencies to introduce and implement more widely recommendations on safeguards for the protection of computer networks.

III. COMMUNITY INVOLVEMENT IN CRIME PREVENTION

59. The crime prevention action and other efforts carried out by States are most effective at the community level, for example in urban settings and in rural areas or villages. The relatively limited geographical area covered by such efforts allows for thorough planning and organization and for cost-effective use of resources for crime prevention operations and mutually supportive cross-sectoral activities. In recent years, special attention has been given to planning, designing, reorganizing and utilizing various means to secure safe streets and "defensible space" within a given community. However, social dynamics must also be taken into account.

60. Changes in society have led to changes in the level and structure of crime. New forms of crime have emerged, and both crime and offenders have taken on an international dimension. Opportunities for responding to those changes have been provided by technology, including new techniques for research and for monitoring the underlying factors of crime and the operation of criminal justice agencies. Many individual criminal justice agencies have computerized their operations. At the same time, there are shortages in personnel and resources and shortcomings in training and operational structure, and difficulties have been encountered in coordinating efforts and cooperating with other agencies at the local, national and international levels. The community can play an important role in controlling the new forms of crime that have emerged.

61. First, the concepts and methods of crime prevention have to be elucidated and widely disseminated. What constitutes crime prevention has to be viable and cost-effective in terms of its benefits to the community. It requires clarity in terms of policy, purpose and action. The modus operandi for delivering or supporting crime prevention strategies has to be well-planned and sustainable across various sectors. Such planning includes answering questions such as "Is there a demonstrable political will?", "Are there the infrastructure, services, facilities and human resources to prevent crime in the community?" and "Are there a consistent, concerted, harmonious approach and strategy to crime prevention at the community level?"

62. Ways should be explored to enable members of the community to participate directly in and support action to improve both their own personal security and public safety. Various kinds of community-based measures can be adopted to ensure a certain quality of life: taking precautionary measures when alone and in crowds; maximizing volunteerism, community service and civic duty; and assisting law enforcement authorities in bringing offenders to justice. A great asset to community-based crime prevention is a well-informed public. A cadre of responsible citizenry can be developed at school, at home and in the community to form a mutually reinforcing, interactive network. Public and private institutions and forums can be employed to promote good

citizenship, public service, volunteerism and law-abiding conduct, through civic education and other means involving for example the mass media.

63. Various partners should be fully involved and their contributions should be coordinated in any local, community-based crime prevention effort. Appropriate ways of interlinking services and matching needs and resources have to be found. In prevention efforts targeting young persons, it is desirable to bring together the family, public and private institutions and law enforcement and all other relevant sectors (health, employment, housing, recreation etc.) and to establish local coordinating councils or other mechanisms.

64. The need for law enforcement officials to be sensitive to community needs has gained attention in recent years. One issue that has become important is the extent to which law enforcement officials represent the ethnic composition of a given community. The degree to which the police safeguard human rights and uphold legal ethics is under constant public scrutiny. Highly publicized events in the media have brought such issues to the fore and have contributed to a common global public consciousness about desirable and undesirable police conduct. Proof or even charges of police corruption or brutality erode community confidence in the justice system and tend to nullify any progress made by the police in the right direction. Measures to promote police accountability, such as civilian review boards and codes of conduct (including the Code of Conduct for Law Enforcement Officials (General Assembly resolution 34/169, annex) and the Principles on the Use of Force and Firearms by Law Enforcement Officials[5]), can curtail abuses and upgrade police practice.

65. An increasing number of community-based justice operations involve, and require the support of, the public and rely on the utilization of community facilities and services. Insofar as they compete for limited community resources, it is necessary to involve the public in ways that will reduce conflict and resistance. New approaches might therefore be considered for such matters as the deinstitutionalization of corrections, the execution of community service orders, the settlement and reintegration of released prisoners and the provision of support for the incarcerated. It must be recognized, however, that ambivalence, apprehension and even resistance to certain justice processes on the part of the community remain obstacles to promoting community-based corrections and to rehabilitating offenders with the active participation of the community. Questions surrounding serious offenders and the recommitting of serious offences may be a source of conflict in the community and remain controversial, particularly in the light of certain cases that have shocked the public conscience.

A. Scope

66. The workshop on community involvement in crime prevention would focus on the role, involvement and coordination of different partners in crime prevention efforts at the local level: the public, justice officials, the private and public sectors, local administrators and community institutions. It would review experiences and refine methods and means of informing and mobilizing the public—such as by holding town meetings and coordination councils—in order to increase its involvement in maintaining security and safety, in advancing the quality of life in the community and in rendering support to justice processes at the local level.

B. Objectives

67. The workshop would examine viable options for effective community crime prevention and mobilize the necessary resources and know-how and the relevant partners. Its outcome would be the development of a series of handbooks for decision makers and practitioners involved in community-based crime prevention, with supportive action on the part of all relevant sectors, private and public. The series would focus on both policy and practical issues pertinent to crime prevention and public security.

68. The series, which would serve as both a guide for action and a training tool, would examine measures to contribute to the maintenance of public safety such as:

(a) Involving the public in community crime prevention and fostering public participation, partnerships and interlinkage at the local level across sectors and within the criminal justice system;

(b) Mobilizing financial support for community crime prevention, particularly in terms of the requisite infrastructure, facilities and personnel for social, employment, educational, health, recreational, welfare and correctional services, while at the same time bolstering community-level efforts to complement national action and broader initiatives;

(c) Achieving "safe streets" by means of physical design, "defensible space", urban planning, "target-hardening", community watch and other neighbourhood approaches etc.;

(d) Disseminating instructional information, raising public awareness, engaging in outreach activities and maximizing the role of the mass media in preventing crime;

(e) Involving young persons in civic duties and community service by means of formal and informal education, training and leadership;

(f) Developing, with the help of local justice authorities, mechanisms and a resource base for conflict resolution, mediation and the settlement of disputes with a view to minimizing resort to the official justice apparatus;

(g) Evaluating the above-mentioned measures in terms of their efficiency, effectiveness, degree of "displacement" etc.

69. These would involve, *inter alia*, the development of comprehensive short- and long-term plans and programmes, "defensible space" designs, public information campaigns and the setting up of the infrastructure and facilities for local crime prevention initiatives, including coordinating councils and community-based outreach and support networks.

C. Format

70. The workshop would provide a forum for the exchange of information, views and experiences regarding action and initiatives that have proved effective in preventing crime and enhancing public security and safety in various communities. A multisectoral panel of experts could make presentations on state-of-the-art designs, plans and strategies for community-based crime prevention, especially in urban settings. Best-practice scenarios and case studies would be utilized and assessments of broader crime prevention policies would be conducted, based upon the implementation of United Nations guidelines on that matter. Audio-visual and other models of promising physical designs could be presented, and socio-economic factors likely to ensure success could be analysed. In advance of the Tenth Congress, interested Governments, national and international agencies and organizations would be invited to communicate the following information: (a) additional pertinent issues for examination during the workshop; (b) their intention to participate in or organize a particular workshop activity; and (c) suggestions regarding possible technical cooperation needs, possibilities and resources. Such information could be incorporated in background documentation and other reports and papers for the workshop.

D. Participation

71. Those invited to participate in the workshop would include government officials from ministries of justice and other public agencies, urban planners, specialists in community crime prevention and experts from the private sector and representatives of relevant intergovernmental and non-governmental organizations. The participation of the following would be particularly welcomed: police, judicial and correctional authorities, communications specialists with experience in setting up public information campaigns and various forms of community outreach programmes and urban planners and architects, especially those with expertise in creating "defensible space" and safe streets.

E. Results

Multiplier effect

72. The workshop on community involvement in crime prevention would generate important information on effective community crime prevention experiences and could lead to such follow-up activities as:

(a) A series of handbooks on crime experiences and best practices (such handbooks have proved to be an important policy and practical tool for action at the local level);

(b) The elaboration of model legislation with a view to strengthening the role of local government agencies and organizations responsible for many of the services that affect the safety and health of communities, including education, urban planning, economic development and policing;

(c) Study tours leading to the development of shared perspectives;

(d) Print and audio-visual media campaigns designed to increase awareness of the importance of community involvement in crime prevention policies;

(e) The convening of meetings and seminars for involving the public in community crime prevention and fostering public participation, partnership and interlinkage at the local level across sectors and within the criminal justice system.

Policy impact

73. The workshop is expected to provide States with information on policies and practical guidance relating to community involvement in crime prevention, mobilizing the necessary resources and know-how and involving the relevant partners and coordination across sectors. The outcome of discussions on viable options for community involvement in crime prevention could be utilized in future training courses. A number of options and models might be provided to supplement the guidelines for cooperation and technical assistance in the field of urban crime prevention (Economic and Social Council resolution 1995/9, annex).

Technical cooperation value

74. New initiatives could be developed that would foster more effective community involvement in crime prevention. Not only physical designs and plans but also viable strategies and approaches and training aids could be used for technical assistance activities. Pilot courses that combine architectural design, town planning, urban studies and criminological and victimological studies might also be developed with the necessary support.

National and regional events geared to providing additional support to community involvement might be considered.

IV. WOMEN IN THE CRIMINAL JUSTICE SYSTEM

75. It is an expressed goal of the United Nations to advance the status of women, achieve gender equality, eliminate all forms of discrimination and discriminatory action perpetrated against women and safeguard their security, safety, enjoyment of human rights and fundamental freedoms. To that end, gender mainstreaming should be pursued by different fields of activity, disciplines and sectors, in an effort to remove obstacles to women's advancement and introduce gender balance in law, policy and practice.

76. The workshop on women in the criminal justice system would examine the issue from several perspectives, including female criminality, the treatment of female offenders and the question of women as practitioners in criminal justice systems. Differential treatment of the female offender and of the female criminal justice practitioner by criminal justice systems appears to be linked to the status of women in society and, within the broader context of social justice, to their demands for fair and equal treatment.

77. Gender mainstreaming is being sought through measures to ensure a "fair treatment" response to women, as victims, offenders and criminal justice practitioners. Gender-specific research concerning the victimization of women is being increasingly undertaken. It could result in a more gender-balanced perspective of the phenomenon and eventually shed new light on trends and causal factors, thereby pointing to possible approaches to the prevention of violence and crime directed at women.

78. The inclusion of women in the mainstream of development and social life should be seen as necessary to the social, psychological and economic growth of any country. International cooperation should be aimed at integrating women in development, improving their status, employment and working conditions and promoting legislation to protect their rights.

79. Despite the comparatively small, albeit increasing, number of women offenders worldwide, major issues need to be resolved with respect to their sanctioning, treatment and handling by the criminal justice system. Women offenders are often subjected to "differential", i.e. harsher, treatment for so-called petty offences or crimes involving morality. Most obvious in this respect are cases involving females charged with status offences, for which males would not be held liable. There are also concerns about the safety of women offenders in custodial institutions.

80. The capacity of a system to meet in a gender-balanced way the special needs of both women victims of crime and women offenders held in custody needs to be strengthened. This can be achieved by developing human resources (i.e. specialized training, staffing, placement and career development) and by building infrastructures (i.e. facilities and services). Study tours and joint training seminars could be conducted that would focus on meeting pressing needs, transferring know-how and achieving adequate responses to common problems.

81. For the sake of gender mainstreaming and in the interest of reform in that direction, it is desirable to advance the status of women as operatives within criminal justice systems. The initial step would be to integrate women into the ranks of criminal justice administrators, across all sectors and at all levels. In seeking gender equality in the administration of criminal justice operations, it is necessary to explore ways in which women can assume leadership positions through preparatory and in-service training and career development, as well as increased mobility.

A. Scope

82. The workshop would cover a range of issues relating to female criminality, the treatment of female offenders and the question of women as practitioners in criminal justice systems. The workshop would also consider various national experiences gained when implementing the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice (General Assembly resolution 52/86, annex) and other relevant instruments.

83. The workshop should provide a forum in which Governments may share their experiences in criminal justice reform with respect to gender issues, including modalities of cooperation to transfer knowledge and know-how, particularly by upgrading professional skills, sharing information and providing advisory services. The workshop would thus provide a forum in which specific technical cooperation activities, possibly including training courses, study tours or fellowships, could be arranged or announced.

84. In the context of the model strategies and activities, a training manual might be elaborated, based on the results of the workshop, that would be useful to States dealing with the issues with different levels of expertise and in different legal systems. Particular attention might be given to ways of approaching institutional capacity-building and human resource development in prompting the desirable response to the fair treatment of women, while promoting the application and maximizing the results of the model measures, strategies and activities.

B. Objectives

85. The workshop would be designed to promote the exchange of information and experiences between States on efforts made to improve the situation of women vis-à-vis criminal justice administration.

86. Specific consideration could be given to assessing measures that have been introduced in various States in order to implement the relevant United Nations instruments in this field, including the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice.

C. Format

87. In advance of the Tenth Congress, States would be invited to communicate their interest in participating in or organizing the workshop activities, to specify their substantive concerns and to submit papers or reports with respect to the agenda of the workshop. An expert panel could make presentations on the above-specified objectives and respond to the observations made and the policies or programmes cited. Presentations providing concrete examples of advances made and proposals would be particularly welcomed.

D. Participation

88. Participants would include government officials from ministries of justice, criminal justice practitioners, officials from ministries and offices dealing with the status of women and intergovernmental and non-governmental organizations dealing with gender issues. In the light of the multidisciplinary nature of the subject matter, professionals from various sectors and fields of activity would be encouraged to take part in the workshop to the extent possible.

E. Results

Multiplier effect

89. The workshop would allow for disseminating information, exchanging experiences, advancing knowledge and transferring know-how in respect of gender-related issues. Of particular use would be presentations that would provide examples of measures that have resulted in considerable progress in advancing the status of women vis-à-vis criminal justice administrations, particularly in connection with the objectives cited above. Especially in the areas of research, training and building correctional infrastructure, certain models might prove transferable and could generate joint training courses and study tours, as well as policy recommendations for regional action. The workshop could provide an opportunity to refine further the discussion on possible modalities of cooperation at the regional and international levels and on desirable follow-up.

Policy impact

90. The workshop would facilitate coherent policy development to deal with long-standing gender-related problems, new types of professional training, refinement of research and research methodologies and further advocacy. It might promote the interlinking of decision- and policy-making with research and practice and provide greater possibilities for forward-looking, prospective planning and more effective operations regarding women in criminal justice administration.

Technical cooperation value

91. The workshop could generate mutual assistance and technical cooperation activities, joint research and training initiatives and other modalities of technical assistance in specific and collaborative projects. Additional results may relate to the development of procedures and mechanisms for law enforcement cooperation across borders to deal with the instrumental use of women in various kinds of trafficking activities.

Notes

[1]*Official Records of the Economic and Social Council, 1997, Supplement No. 10* (E/1997/30), para. 8.

[2]Ibid., *1995, Supplement No. 10* (E/1995/30), para. 9.

[3]*International Review of Criminal Policy*, Nos. 41 and 42 (1993) (United Nations publication, Sales No. E.93.IV.4).

[4]*International Review of Criminal Policy*, Nos. 43 and 44 (1994) (United Nations publication, Sales No. E.94.IV.5).

[5]*Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. D.2, annex.